

# FISCAL NOTE

## STATE OF ALASKA 2005 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_

Bill Version: \_\_\_\_\_

( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_

Dept. Affected: Health & Social ServicesTitle RELATING TO CHILD-IN-NEED-OF AID  
MATTERSRDU Children's ServicesComponent Front Line Social WorkersSponsor COGHILLRequester HOUSE (HES)Component No. 2305**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	578.9	578.9	578.9	578.9	578.9	578.9
Travel	50.0	50.0	50.0	50.0	50.0	50.0
Contractual	50.0	50.0	50.0	50.0	50.0	50.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>678.9</b>	<b>678.9</b>	<b>678.9</b>	<b>678.9</b>	<b>678.9</b>	<b>678.9</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES (0)</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	76.5	76.5	76.5	76.5	76.5	76.5
1003 GF Match	178.5	178.5	178.5	178.5	178.5	178.5
1004 GF	423.9	423.9	423.9	423.9	423.9	423.9
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
<b>TOTAL</b>	<b>678.9</b>	<b>678.9</b>	<b>678.9</b>	<b>678.9</b>	<b>678.9</b>	<b>678.9</b>

Estimate of any current year (FY2005) cost: \_\_\_\_\_

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: ☐**POSITIONS**

Full-time	4	4	4	4	4	4
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

SSHB 53 is an omnibus bill that incorporates a number of changes to the Child-in-Need-of-Aid (CINA) statutes. Changes that may have fiscal impact on the Department's Office of Children's Services budget are summarized below.

Sec. 8. Right to demand jury trial in certain cases. This section allows any party to a child in need of aid (CINA) case to demand a jury trial for a hearing held regarding a petition to terminate parental rights. The amendment retains the current definition of party, which is the child, the parents, the guardian, the guardian ad litem, the Department, an Indian custodian or Indian tribe that has intervened and any other person the court has determined may be a party to the case.

Prepared by: Tammy Sandoval, Acting Deputy CommissionerPhone 465-3191Division Office of Children's ServicesDate/Time 03/08/2005Approved by: Joel S. Gilbertson, CommissionerDate 03/11/2005Agency Department of Health and Social Services

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**ANALYSIS CONTINUATION**

If this bill becomes law, based on the most current available data, we anticipate at a minimum, the possibility of 90 jury trials per year or 50 percent of the 180 termination proceedings reported by the Alaska Court System in FY 04. It is conservatively estimated that jury trials will add three days to court proceedings, and two additional days of preparation time for social workers. These additional days will be necessary for trial preparation, jury selection, jury education, jury deliberation and the changes in court practices and procedures that would occur with a jury trial. It is estimated that an additional 37.5 hours of staff time will be required for each jury trial. This additional time requirement will detract the time a social worker has to invest in caseload investigating reports of harm; emergency custody processes; efforts to locate relative placements or foster home placements; developing case plans; requesting assessments for mental health or substance abuse; arranging visitations; attending treatment team and permanency planning meetings; and other court appearances such as probable cause, disposition hearings, adjudication hearings and other court-ordered appearances. This list is not all inclusive, but represents a sampling of the mandatory duties and responsibilities of a child protective social worker. Being unavailable during jury trial will force social workers to perform the normal scope of duties for other cases outside usual business hours. The Office of Children Services estimates the additional time required to prepare and attend jury trials would result in \$205.0 of overtime expenditures each fiscal year. \$61.5 of these overtime costs would be eligible for IVE federal reimbursement and the remaining \$143.5 would be general fund match. This calculation is based on the average cost of a Social Worker II and III statewide and does not take into consideration regional differentials.

Termination trials generally require expert witness testimony. Most of the state's expert witnesses are located in the larger communities and may testify telephonically. A jury trial, however, necessitates witnesses testify in person adding to the cost of each trial. Because it is difficult to empanel impartial juries in many small communities, we anticipate a change of venue in a number of cases adding to the cost for all parties who must appear in person: social workers, parents, attorneys, witnesses, guardian ad litem. The OCS estimates associated increased travel and per diem costs for division staff and expert witnesses at \$50.0. These expert witness fee costs would be eligible for IVE federal reimbursement of about \$15.0 with the remaining \$35.0 in general fund match.

Most importantly, jury trials will also result in more delays for the children. Alaska's recent Federal Review assessed the state as poor in meeting deadlines for termination hearings. Timely petitions often result in delays in court scheduling, delaying permanency for children. Jury trials are even more difficult to schedule and will result in additional delays for permanency that could ultimately result in a disallowance of federal reimbursement for non-compliance.

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**ANALYSIS CONTINUATION**

**Sec.12. Right to Review Hearings**

Section 12 provides that if a parent or family member of a child in state custody is denied visitation, the Department will inform the parent or family member as to the reason for the denial and their right to request a review hearing. The OCS believes there would be an increase in staff time required for hearing preparation and court time, but has no data upon which to base an estimate. Visitation denials are not tracked.

**Sec. 15 (n). Blood Relative Denied Adoption May Request a Review Hearing.**

Section 15 provides a person related to a child by blood who is denied a request for adoption, the right to a review hearing. The OCS believes there would be an increase in staff time required for hearing preparation and court time, but has no data upon which to base an estimate. Adoption denials are not tracked.

**Sec. 16. Report of Prescription Drugs**

Section 16 adds requirements whereby the Department must maintain information about the use of psychotropic or other mental health medication required by children in custody, and this information be reported to the Legislature annually. Even though OCS files do include medical records, the additional burden on already overworked OCS staff to collect and aggregate all detailed information from caregivers such as teachers, child care providers, and foster parents and write up a report on each child would require an additional psychiatric nurse in 4 regions. Social workers do not have the skills required to address these medical reports. The increased cost to the state is estimated to be \$373.9 in personal services costs plus an addition \$50.0 for travel, per diem, and administrative costs.